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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

MINUTE SUMMARY

Board of Directors Meeting

August 5, 2009

Start Time: 9:30 a.m.

LOCATION

**San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA**

Board of Directors

President

Paul Eaton, Mayor
City of Montclair

Vice-President

Brad Mitzelfelt, Supervisor
County of San Bernardino

Charley Glasper, Mayor
City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Julie McIntyre, Mayor Pro Tem
City of Barstow

Bill Jahn, Mayor Pro Tem
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Gwenn Norton-Perry, Council Member
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

Mark Nuaimi, Mayor
City of Fontana

Bea Cortes, Council Member
City of Grand Terrace

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Council Member
City of Highland

Rhodes "Dusty" Rigsby, Mayor Pro Tem
City of Loma Linda

Jeff Williams, Mayor
City of Needles

Alan Wapner, Council Member
City of Ontario

Diane Williams, Council Member
City of Rancho Cucamonga

Patricia Gilbreath, Mayor Pro Tem
City of Redlands

Ed Scott, Council Member
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Jim Harris, Council Member
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Ryan McEachron, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

William Neeb, Council Member
Town of Yucca Valley

Gary Ovitt, Supervisor
County of San Bernardino

Paul Biane, Supervisor
County of San Bernardino

Neil Derry, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Ray Wolfe, Caltrans
Ex-Officio Member

Deborah Robinson Barmack
Executive Director

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

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To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Called to Order - 9:30 a.m. by Mayor Paul Eaton

I Pledge of Allegiance

II. Attendance

**Charley Glasper, Adelanto
Rick Roelle, Apple Valley
Bill Jahn, Big Bear Lake
Dennis Yates, Chino
Gwenn Norton-Perry, Chino Hills
Kelly Chastain, Colton
Mark Nuaimi, Fontana
Bea Cortes, Grand Terrace
Mike Leonard, Hesperia
Penny Lilburn (Alt), Highland
Paul Eaton, Montclair
Jeff Williams, Needles
Alan Wapner, Ontario
Diane Williams, Rancho Cucamonga
Patricia Gilbreath, Redlands**

**Ed Scott, Rialto
Patrick Morris, San Bernardino
Jim Harris, Twentynine Palms
John Pomierski, Upland
Ryan McEachron, Victorville
Richard Riddell, Yucaipa
William Neeb, Yucca Valley
Paul Biane, County of San Bernardino
*Neil Derry, County of San Bernardino
Brad Mitzelfelt, County of San Bernardino
Josie Gonzales, County of San Bernardino
Raymond Wolfe, Caltrans District 8
Jean-Rene Basle, SANBAG Counsel
Deborah Robinson Barmack, SANBAG**

***Departed after Agenda Item 17.**

- III. Announcements: The Board was reminded of the Board of Directors workshop regarding "Clean Transportation Businesses" in San Bernardino County immediately following the regular Board meeting. All SANBAG policy committees are scheduled to meet on their regularly scheduled dates this month. SANBAG is sponsoring public meetings on the Draft Long Range Transit Plan for San Bernardino County. The first meeting will be held in the City of San Bernardino on August 18th at the Norman Feldhym Library, the second on August 19th at Victorville City Hall, and the third on August 30th in Ontario at the Dorothy Casada Community Center. Caltrans and Assembly Member Wilma Amina Carter are conducting a special 5th Street Bridge renaming ceremony on August 28th at 10:00 a.m. in the courtyard of the District 8 Caltrans Building in San Bernardino. The renaming is in honor of John Knabenbauer, a Caltrans employee.
- IV. Agenda Notices/Modifications: Agenda Item 20 was removed from consideration at the request of staff. However, staff indicated that a Special Board of Directors meeting may be required to address this item. A Supplemental Agenda Item was posted - Closed Session – to immediately follow public comments.

1. Possible Conflict of Interest Issues for the Board Meeting of August 5, 2009 Pg. 11

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

***Note the following abstentions:**

Supervisor Josie Gonzales abstained on Agenda Item 7 stating a disqualifying campaign contribution in excess of \$250.

Supervisor Brad Mitzelfelt abstained on Agenda Item 15 stating a disqualifying campaign contribution in excess of \$250.

Supervisor Paul Biane abstained on Agenda Items 7, 10, 15 and 20 stating a disqualifying campaign contribution in excess of \$250.

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under Agenda Item 21.

Administrative Matters

2. Board of Directors Attendance Roster

Pg. 13

Information Only

3. Procurement Report for June 2009

Pg. 17

Information Only

Receive Monthly Procurement Report. William Stawarski

This item was unanimously received by the Administrative Committee on July 8, 2009.

Notes/Actions:

*See Notes

MOVED:
Jahn

SECOND:
Leonard

26-0-0

Consent Calendar Continued....

Administrative Matters (Cont.)

- | | | |
|--|---------------|--------------------------------|
| <p>4. Appropriations Limitation for Fiscal Year 2009/2010</p> <p>Adopt Resolution 10-002 to establish appropriations limit at \$888,002,281. William Stawarski</p> <p>This item was reviewed by the Administrative Committee on July 8, 2009 and unanimously recommended for approval.</p> | <p>Pg. 19</p> | <p>Approved Consent</p> |
| <p>5. Changes to Policy 10111 – Work Requirements, Leaves, and Absences</p> <p>Approve changes to Policy 10111 to incorporate wage and benefit continuation for full-time SANBAG employees called to active duty in the Armed Forces. Duane A. Baker</p> <p>This item was reviewed and unanimously recommended for approval by the Administrative Committee on July 8, 2009.</p> | <p>Pg. 22</p> | <p>Approved Consent</p> |

Regional & Quality of Life Programs

- | | | |
|---|---------------|---|
| <p>6. Execute an overtime agreement with the California Highway Patrol (CHP) for the supervision and daily oversight of the Freeway Service Patrol (FSP) Program</p> <p>Approve Agreement No. 09-180 with the CHP, to contract for officer services for FSP supervision and operational oversight from July 1, 2009, to June 30, 2012, with an optional one year extension, in the amount of \$120,000, as specified in the financial impact section below. Kelly Lynn</p> <p>This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on July 15, 2009. The Agreement has been reviewed by legal counsel.</p> | <p>Pg. 25</p> | <p>Approved Consent</p> |
| <p>7. Amendments to two Contracts to exercise first year option of Freeway Service Patrol (FSP) services</p> <p>1. Approve Amendment No. 1 to Contract No. 07-108 with JLM Towing Services, Inc., to exercise the first year option of their existing contract, which would extend the contract term to February 28, 2011, in the amount of \$182,655 for a total contract amount of \$750,672, as identified in the Financial Impact Section below; and</p> <p>2. Approve Amendment No. 1 to Contract No. 07-107 with Pepe's Towing Services, Inc., to exercise the first year option of their existing contract, which would extend the contract term to December 31, 2010, in the amount of \$190,035 for a total contract amount of \$816,611, as identified in the Financial Impact Section below. Kelly Lynn</p> <p>This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee at its July 15, 2009, meeting. The item, as well as the two Contract amendments, has been reviewed by Legal Counsel as to form.</p> | <p>Pg. 33</p> | <p>Approved Consent</p> <p>24-0-2</p> <p>ABSTAINED:</p> <p>Gonzales</p> <p>Biane</p> |

Consent Calendar Continued....

Project Development

- | | | |
|--|---------------|---|
| <p>8. Amendment to the Fiscal Year 2009/2010 Budget for the I-10 High Occupancy Vehicle (HOV) project</p> <p>Approve Budget Amendment to add new task 26610000 for the I-10 HOV project in the Cities of Montclair and Ontario in the amount of \$494,000. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Administrative Committee on July 8, 2009.</p> | <p>Pg. 43</p> | <p>Approved Consent</p> |
| <p>9. I-10/Riverside Avenue Interchange Project</p> <p>1. Approve the I-10/Riverside Avenue Interchange Plans, Specifications, and Estimates (PS&E) package, and</p> <p>2. Authorize the Director of Freeway Construction to advertise for Construction Bids for the I-10/Riverside Avenue Interchange project. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on July 9, 2009.</p> | <p>Pg. 45</p> | <p>Approved Consent</p> |
| <p>10. SR-210 Muscoy Underpass Retrofit Project</p> <p>Approve Amendment No. 2 with RMA Group to extend the end date of Contract A03015-01 from June 30, 2009 to February 26, 2010. Garry Cohoe</p> <p>This item was reviewed and approved (15-0-1; Abstained: Gary Ovitt) by the Major Projects Committee on July 9, 2009. SANBAG Counsel has reviewed and approved the amendment as to form.</p> | <p>Pg. 47</p> | <p>Approved Consent
25-0-1
ABSTAINED:
Biane</p> |
| <p>11. Amendment to the Fiscal Year 2009/2010 Budget for Interstate-215 Segments 1 and 2</p> <p>Approve Fiscal Year 2009/2010 Budget Amendment to Task 83810000 to:</p> <p>1. Add new American Recovery and Reinvestment Act (ARRA) funds for the construction of I-215 Segments 1 and 2 in the amount of \$29.5 million;</p> <p>2. Reduce the Congestion Mitigation and Air Quality (CMAQ) Program funds by \$15 million;</p> <p>3. Reduce the Transportation Congestion Relief Program (TCRP) funds by \$12.5 million;</p> <p>4. Reduce \$2 million from the Surface Transportation Program (STP) funds. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Administrative Committee on July 8, 2009.</p> | <p>Pg. 52</p> | <p>Approved Consent</p> |

Consent Calendar Continued....**Project Development (Cont.)**

- 12. SR-210 Segment 4 Landscape Plant Establishment** Pg. 54 **Approved Consent**
1. Award construction contract No. C09203 in the amount of \$224,783.70 to America West Landscape, Inc. for SR-210 Segment 4 Landscape Plant Establishment and authorize expenditure of funds in the amount of \$42,476.30 for supplemental funds and contingencies, not to exceed \$267,260.00.
2. Approve purchase order No. PO10043 with Cucamonga Valley Water District to supply irrigation water needed during the plant establishment period in the amount of \$120,000. **Garry Cohoe**
- The award of the construction contract was reviewed and unanimously recommended for approval by the Major Projects Committee on July 9, 2009. The budget authorization for the irrigation water was not considered by the Committee. Counsel has reviewed and approved the contract as to form.

Transit/Commuter Rail

- 13. Summary of FY 2009/2010 Transit Operators Capital and Operating Budgets and Short Range Transportation Plans** Pg. 65 **Approved Consent**
- Approve Fiscal Year 2009/2010 Capital and Operating Budgets for the Cities of Barstow, Needles, Morongo Basin Transit Authority (MBTA), Mountain Area Regional Transit Authority (MARTA), Victor Valley Transit Authority (VVTa), and Omnitrans, and approve changes as necessary to the transit agencies Short Range Transit Plans (SRTP) as identified in Attachment 1. **Mitch Alderman**
- This item was reviewed by the Plans and Programs Committee on July 15, 2009 and unanimously recommended for approval.
- 14. Approve Final Operational Analysis of Barstow Area Transit** Pg. 69 **Approved Consent**
- Approve the Final Report on the Operational Analysis of Barstow Area Transit as prepared by AECOM Transportation. **Mitch Alderman**
- This item was reviewed by the Mountain/Desert Committee on July 17, 2009 and unanimously recommended for approval.
- 15. Economic Implications of Rail Service to Auto Club Speedway** Pg. 71 **Received & Filed**
- Receive report related to Metrolink Service at Auto Club Speedway Events; and take action related to an Amendment to the Agreement if necessary. **Deborah Robinson Barmack**
- This item was received by the Commuter Rail Committee on July 16, 2009.
- ABSTAINED:
Mitzelfelt
Biane**

Consent Calendar Continued....

Transportation Programs & Fund Administration

- 16. 2009 Measure I Population Estimates for Measure I Allocations** Pg. 73

Adopt the 2009 population estimates for use in allocation of Measure I Local Pass-Through Funds. **Ellen Pollema**

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Committee on July 17, 2009.

Approved Consent

DISCUSSION ITEMS

Regional & Quality of Life Programs

- 17. Inland Empire Annual Survey** Pg. 80

Receive report on results of the 2008/09 Inland Empire Annual Survey and provide direction to SANBAG staff, if required.
Jane Dreher

This item has not had prior policy committee review.

Council Member Norton-Perry expressed an interest in receiving future surveys in advance of the Board meeting. Mayor Yates stated he would like to see Board Member involvement in the formulation of the survey questions.

Received & Filed

General Council of Governments Support Program

- 18. Regional Greenhouse Gas Inventory and Reduction Plan and Environmental Impact Report** Pg. 82

Approve the following recommendations:

1) Direct staff to solicit from each city their participation in the Regional Greenhouse Gas Inventory and Reduction Plan using the cost sharing plan outlined in Exhibit A.

2) Expend not more than \$225,000 from task 49010000 Council of Governments New Initiatives to partially underwrite a Regional Greenhouse Gas Inventory and Reduction Plan and a related Environmental Impact Report.

3) Authorize staff to negotiate directly with ICF Jones and Stokes and PBS&J as a sole source provider for the professional services necessary to complete this work.

4) Direct staff to draft a Memorandum of Understanding to cover the participation of all parties in the preparation of the Inventory and Plan. **Duane Baker**

This item was reviewed and recommended for approval by the Plans & Programs Policy Committee at their July 15, 2009 meeting. It was also reviewed by the City Manager's Technical Advisory Committee on July 16, 2009.

**MOVED:
Morris
SECOND:
Norton-Perry
25-0-0**

Discussion Items Continued... .

Project Development

19. Contract with Chad Costello

Pg. 91

Approve Sole Source Contract No. C10006 with Chad Costello for Project Management Services for an amount not to exceed \$300,000.
Garry Cohoe

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on July 9, 2009. SANBAG Counsel has reviewed and approved the amendment as to form.

**MOVED:
Pomierski
SECOND:
Cortes
25-0-0**

20. Award Construction Contract No. C09196 for Interstate 215 Segments 1 and 2 Construction

Pg. 99

1. Award Construction Contract No. C09196 to the lowest bidder for Interstate 215 Segments 1 and 2 Construction in the amount of TBD.

2. Receive informational presentation on an overview of the Interstate 215 Corridor. **Garry Cohoe**

Approval to take this item directly to the Board was unanimously approved by the Major Projects Committee on July 9, 2009.

This agenda item was removed from consideration. However, Supervisor Biane is noted as abstaining.

No Action Taken

Other Matters

21. Consent Calendar Items Pulled for Discussion: NONE

Comments from Board Members: NONE

Public Comment: NONE

Supplemental Agenda Item

Adjourned To:

CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code section 54956.9(a))**

Industrial Plaza v. San Bernardino County Transportation Authority, et al. Case No. RCVRS101957

Reconvene To:

SANBAG Counsel reported the following action taken in Closed Session. The Board authorized a Settlement Agreement whereby the Plaintiff will be paid \$75,000 by the insurance company of the contractor that the City of Upland hired to construct the bike trail in the City of Upland.

**ADJOURNMENT to Board Workshop
SANBAG Lobby 1st Floor at 10:30 a.m.**

Additional Information

Agency Reports/Committee Memberships

Commuter Rail Report Pg. 101

Mayor Pro Tem Patricia Gilbreath

South Coast Air Quality Management Report Pg. 104

Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee (MSRC) Pg. 106

Council Member Gwenn Norton-Perry

SCAG Committees Pg. 108

SCAG Regional Council

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees Pg. 109

Acronym List Pg. 112

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.